

Remarks

Claims 44-50 were previously pending in the subject application. By this Amendment, the applicants have amended claims 44-47 and canceled claims 47 and 49. Support for the amendments to the claims can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 44-46, 48 and 50 are currently before the Examiner. Favorable consideration of the pending claims is earnestly solicited.

Please note that the applicants are submitting herewith a Revocation of Power of Attorney and New Power of Attorney providing the undersigned attorney authorization to act on behalf of the applicants in this case.

As an initial matter, the applicants wish to thank Examiner Kam for the courtesy of the personal interview conducted with the applicants' representatives on August 9, 2004, regarding the rejections of record. The remarks and amendments set forth herein are consistent with the substance of that interview, constitute a summary of the interview, and are believed to address the outstanding issues as discussed during the interview.

These amendments, and the cancellation of certain claims, should not be taken as an indication of the applicants' agreement with, or acquiescence to, the rejections of record. Rather, these amendments have been made in an effort to expedite prosecution and to more clearly focus the claims on the subject matter that the examiner has indicated to be allowable.

The applicants appreciate the withdrawal of certain of the previous objections/rejections as well as the guidance with respect to possible amendments to clarify the claims such that they focus on allowable subject matter.

In this regard, claims 44-50 have been rejected under 35 U.S.C. §112, second paragraph. The applicants appreciate the Examiner's helpful input regarding claim language that more clearly sets forth the metes and bounds of the claims, and delineates the allowable subject matter. The claims have been amended herein to address the issues raised by the Examiner. The applicants believe that the metes and bounds of the amended claims are now clearly discernable. Accordingly, the applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §112, second paragraph.

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Claims 44-50 have been rejected under 35 U.S.C. §112, first paragraph. The applicants believe that the claims, as filed, were fully enabled. However, as noted above, the claims have been amended herein, consistent with the Examiner's input, to more clearly define the allowable subject matter.

It should be noted that the requirement for some experimentation and/or screening does not necessarily make a claim non-enabled. "Enablement is not precluded by the necessity for some experimentation such as routine screening. . . A considerable amount of experimentation is permissible, if it is merely routine . . ." (emphasis added). *In re Wands*, 8 USPQ 2d 1400, 1404 (Fed. Cir. 1988). In the current case, any experimentation needed to identify peptides having the specified activity would be routine given the guidance provided in the subject application.

It is important to bear in mind that for an invention to be enabled under the first paragraph of §112, the specification need only teach a person of ordinary skill in the art "how to make" and "how to use" the invention. It is further noted that the sheer number of compounds that may fall within the scope of a claim is not determinative of the enablement of the specification. See, e.g., *In re Angstadt*, 537 F.2d 498, 190 USPQ 214 (CCPA 1976), where the court observed that a large but finite list of materials, in combination with a teaching of how to carry out the invention, was enabling for purposes of §112. The applicants are cognizant of the duty under §112, first paragraph, to provide sufficient teaching in the specification to enable one skilled in the art to practice the invention as claimed without undue experimentation. For the reasons set forth above, the applicants believe that they have fulfilled the requirements of 35 USC §112. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

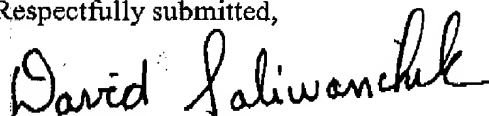
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The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Revocation of Power of Attorney and New Power of Attorney

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